

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 DERRELL LEE CHRISTY, JR.,

4 Petitioner,

5 v.

6 WILLIAM HUTCHINGS, *et al.*,

7 Respondents.

Case No.: 2:21-cv-00132-APG-BNW

**Order Granting Motion for Leave
to File Documents under Seal**

[ECF No. 37]

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9 In this habeas corpus action, the petitioner, Derrell Lee Christy, Jr., represented by
10 appointed counsel, filed a second amended habeas petition on November 30, 2021 (ECF No. 18).
11 Respondents filed a motion to dismiss on April 22, 2022 (ECF No. 27). Christy is to respond to
12 the motion to dismiss by June 21, 2022. (*See* ECF No. 11.)


13 On April 25, 2022, Respondents filed a motion (ECF No. 37), requesting leave of court to
14 file three exhibits—Exhs. 15, 34 and 35—under seal. The exhibits Respondents propose to file
15 under seal are a temporary custody record (Exh. 15), a presentence investigation report (Exh.
16 34), and three pages of a letter written by Christy, which, according to Respondents, is part of the
17 presentence investigation report (Exh. 35).

18 While there is a strong presumption in favor of public access to judicial filings and courts
19 prefer that the public retain access to them, *see Nixon v. Warner Communications, Inc.*, 435 U.S.
20 589, 597 (1978), a court may seal its records if a party demonstrates “compelling reasons” to do
21 so. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006).
22 “Compelling reasons” exist where the records could be used for improper purposes. *Kamakana*,
23 447 F.3d at 1179 (citing *Nixon*, 435 U.S. at 598).

1 The presentence investigation report and the letter, as well as the temporary custody
2 record, contain sensitive confidential information that could be used for improper purposes.
3 Under Nevada law, presentence investigation reports are confidential, and are not to be made
4 part of a public record. *See* NRS 176.156(5). Respondents represent that all three documents they
5 wish to file under seal were filed under seal in state court. In view of the state law and the state
6 courts' sealing of the documents and considering the nature of the information in the documents,
7 I find that there compelling reasons for these exhibits to be filed under seal.

8 It is therefore ordered that Respondents' Motion for Leave to File Exhibits Under Seal
9 **(ECF No. 37) is GRANTED.** As the exhibits in question—Exhs. 15, 34 and 35—have already
10 been filed under seal (ECF No. 38), no further action is necessary in this regard.

11 DATED: May 10, 2022

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15 ANDREW P. GORDON
16 UNITED STATES DISTRICT JUDGE
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